

SEP 29 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JOHN F. CORCORAN, CLERK
BY: *S. Saylor*
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UNITED STATES OF AMERICA)	Case No. 3:97-cr-70099-1
)	
v.)	2255 DISMISSAL ORDER
)	
ORION ROSS HARDEN,)	By: Hon. James C. Turk
Petitioner.)	Senior United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

that petitioner's motion to dismiss for lack of jurisdiction (docket #84), which the court construes and the Clerk shall **FILE AS** a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** without prejudice as a successive § 2255 motion and the case is **STRICKEN** from the active docket.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner and counsel of record for the United States.

ENTER: This 29th day of September, 2009.

James C. Turk

Senior United States District Judge